

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

v.

ANTIONE WILLIAM TUCKSON,

Defendant

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CRIMINAL NO. TDC-22-180

**GOVERNMENT’S CONSENT MOTION TO EXTEND DEADLINES AND EXCLUDE
TIME UNDER SPEEDY TRIAL ACT**

The United States of America respectfully moves to extend the discovery and motions deadlines and to continue the status conference currently set for November 22, 2022, to a date on or after January 20, 2023. The United States of America also moves pursuant to 18 U.S.C. § 3161(h)(7) for an Order excluding time under the Speedy Trial Act in the above-captioned matter. The Defendant consents to the motion. In support of this request, the Government states as follows:

1. On May 12, 2022, Mr. Tuckson was charged in a two-count indictment with false impersonation of an officer or employee of the United States under 18 U.S.C. § 912, and felon in possession of a firearm under 18 U.S.C. § 922(g)(1). ECF No. 1.

2. Mr. Tuckson made his initial appearance in federal court on May 20, 2022. ECF No. 7. On that date, the Court appointed the office of the Federal Public Defender to represent Mr. Tuckson and ordered Mr. Tuckson detained pending trial. ECF Nos. 12, 14.

3. On June 24, 2022, the Government filed a status report and consent motion to exclude the time from June 24, 2022, through August 1, 2022, for speedy trial computation purposes. ECF No. 21. The Court granted the motion on June 28, 2022. ECF No. 24.

4. On August 2, 2022, the Court held a Status Conference, during which the parties discussed, among other things, the status of ongoing discovery and the pre-trial motions deadline. The parties required an additional reasonable time to complete discovery and file pre-trial motions. The Court therefore set the Government's deadline to complete Rule 16 discovery to September 30, 2022, and the Defense's pre-trial motions deadline to October 20, 2022. The Court also set a telephonic Status Conference for October 21, 2022, at 3:00 pm.

5. On August 4, 2022, the Government filed a consent motion to toll the Speedy Trial clock, *nunc pro tunc*, from and including August 2, 2022, through and including October 21, 2022. ECF No. 30. The Court granted the motion on August 5, 2022. ECF No. 31.

6. On September 28, 2022, the Government filed a consent motion to toll the Speedy Trial clock from and including October 22, 2022, through and including November 22, 2022, and to reset discovery and motions deadlines. ECF No. 60. The Court granted the motion on September 29, 2022. ECF No. 61.

7. The Government's deadline to complete Rule 16 discovery is currently set for October 31, 2022, and the Defense's pre-trial motions deadline is set for November 21, 2022. The Court also set a Status Conference for November 22, 2022, at 4:00 pm.

8. On October 5, 2022, the Defendant was charged in a three-count Superseding Indictment with conspiracy in violation of 18 U.S.C. § 371, false impersonation of an officer or employee of the United States under 18 U.S.C. § 912, and felon in possession of a firearm under 18 U.S.C. § 922(g)(1). ECF No. 63.¹

9. An arraignment on the Superseding Indictment and a detention hearing are set for October 31, 2022, at 10:00 am before Honorable Magistrate Judge Timothy Sullivan.

¹ The Superseding Indictment also charged a second defendant, Ms. Nijea Rich, in Count 1 (conspiracy) and Count 2 (false impersonation of an officer or employee of the United States).

10. The parties are in ongoing plea negotiations, which may obviate the need for the defense to prepare and file any pre-trial motions. On October 27, 2022, at the parties' request, the Court ordered the United States Probation Office to prepare a preliminary report regarding the Defendant's criminal history to facilitate the plea negotiations. The report is due on or before December 9, 2022. In addition, the Government has continued to produce data on a rolling basis and needs additional time to complete its production of data from the devices taken at the time of the Defendant's arrest.

11. The Government, with the consent of the defense, therefore respectfully moves the Court to extend the discovery and motions deadlines and continue the next Status Conference as follows:

- Government's deadline to complete Rule 16 discovery is December 30, 2022;
- Defendant's pre-trial motions deadline is January 18, 2023; and
- The Status Conference currently set for November 22, 2022 at 4:00 pm is continued to a date on or after January 20, 2023.

12. Pursuant to the Speedy Trial Act, a defendant must be brought to trial within 70 days of the filing and making public of an indictment or information, or his appearance before a judicial officer on such charges, whichever occurs later. *See* 18 U.S.C. § 3161(c).

13. The time within which trial must commence may be delayed for a variety of reasons. *See* 18 U.S.C. § 3161(h).

14. The Government submits that there is good cause to extend the time within which the case must be brought to trial because the ends of justice served by taking such action outweigh the interest of the public and the defendant in a speedy trial. The requested extension would allow

the parties to continue their ongoing plea negotiations; the Government to complete its Rule 16 discovery; and the defense to prepare and file any pre-trial motions. *See* 18 U.S.C. § 3161(h)(7).

15. Counsel for the Defendant consents to the requested exclusion of time.

WHEREFORE, the Government respectfully requests that the Court enter an order excluding the time **from and including November 23, 2022, through and including January 20, 2023**, from the time within which the pending charges must be brought to trial.

Respectfully submitted,

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/s/ _____
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was electronically filed on October 28, 2022, with notice to all counsel of record through the Court's electronic filing system.

/s/ _____
Peter L. Cooch
Special Assistant United States Attorney